

## Federal Superfund Site Assessment Petition for Citizens Manufactured Gas Site, Brooklyn, New York

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Wed 8/25/2021 10:47 AM

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August 25,2021

Michael Regan, USEPA Administrator  
Walter Mugdan, USEPA Region 2 Acting Administrator  
Pat Evangelista, USEPA Region 2 Director, Superfund and Emergency Management Division

SENT ON THIS DATE VIA EMAIL

Dear Sirs,

RE: Federal Superfund Site Assessment Request for the Public Place site, AKA, Citizens Manufactured Gas Site and AKA, (Planned Development)  
Gowanus Green

Back in the day when our neighborhood volunteer group, CORD, first heard about the possibility of the Gowanus Canal being listed upon the National Priorities List, we became very vocal advocates for Superfund designation. We met with then Region 2 Administrator, Judith Enck as well as inviting at one point and accompanying then USEPA Deputy Commissioner Bob Perciasepe on a neighborhood walking tour.

Once Superfund designation was achieved, CORD was one of the original members of the Gowanus Canal Community Advisory Group-a seat we still maintain today. We have always been and still remain firm believers that EPA Region 2 and in particular, our Project Manager, Christos Tsiamis and his team are whole heartedly committed to the absolute best cleanup for our community.

Unfortunately, we do not feel the same way about the City or the State of New York. It has become painfully clear to us over the years that the only thing we can rely upon the City of New York and the NY State Department of Environmental Conservation (NYSDEC) for, is to do everything in their power to thwart, delay and dilute the cleanup. This is especially evident in the uplands site known as, Public Place, currently under the jurisdiction of NYSDEC.

As you know, Public Place is an incredibly polluted, contaminated, toxic site. Barely beneath its surface, lie the polycyclic aromatic hydrocarbons (PAHs), benzene, toluene. ethylbenzene, xylene (BTEX), naphthalene and volatile organics -- dangerous, carcinogenic monsters swimming in this sea of coal tar. You know it, because it is one of the chief reasons the Gowanus Canal was made a Superfund site in the first place.

In the early meetings with the community, both agencies as well as the representatives from PRP National Grid, spoke of a Public Place cleanup that included, among other things, at least eight feet of soil removal over the entire site with much deeper removal in the more contaminated areas around the former tank locations, an elaborate underground water pumping system to prevent seepage of contaminants into the canal, barrier "wings" which would extend from the canal edge going vertically up toward Smith Street for several feet at either end of the site to prevent contamination from seeping outside the perimeters of the site and back into the canal, a several inch thick plastic barrier under the eight feet of new soil and a very special grout mixture that was to be used to seal the bulkheads to one another that would not allow seepage of toxins from the site into the Canal.

We should have suspected early on that all was not what it seemed when we learned that the "magic grout"'s efficacy was going to be tested not in the water, but somewhere upland closer to Smith Street, and no one had an explanation as to how the plastic was going to be a barrier of any kind once the building pilings (necessary for the planned Gowanus Green development) were driven through it. Nor were the concerns of the nearby homeowners ever really addressed as to how they were preparing to prevent the "post clean up" remaining coal tar from spreading to and under the existing surrounding homes. Those wings were good for the Canal, but not really enough protection for the community. There were only there-theres and assurances that *most* of the coal tar would obediently flow into the collection wells.....but what about the rest?

Since then, the cleanup has been diluted and the newest version we are aware of calls for two feet of soil removal, (although there is still some deeper removal a few feet surrounding the former tanks), no underground water pumping or thick plastic barrier to prevent re contamination (or toxic vapor containment-since it was at the time, touted as dual purpose), no "wings" at all and we don't remember if we ever heard if the grout was a success or not. The there-theres about *most* of the coal tar obediently flowing into the wells remains the same. We have received no insight on the defiant portion of the wicking, oily goo.

Some have described the Public Place situation now as more of a containment, rather than a clean up. We think that is way too generous a description. It is barely a poor dusting with a dirty rag and most certainly not a containment of the deadly mix of toxins which will forever remain alternately lurking and moving beneath that Site.

Below are excerpts from a CORD post reporting on a Community meeting with the EPA on May 31, 2011 - long before the Public Place "cleanup" was further diluted to its present plan:

*"...Community members expressed concern about the Public Place, Whole Foods and Lowe's sites---especially when it was pointed out that both the Lowe's site as well as what was to be the Toll Brothers site were both more contaminated than originally thought---and that the cleanup measures used at Lowe's and the proposed cleanup measure for the now defunct Toll Brothers site, were just not adequate in the opinion of the EPA.*

*Neighborhood residents expressed their concerns about the measures to be taken at the Public Place site to not only insure the safety of the residents who will eventually live on that site, but if the proposed measures to be taken to prevent the recontamination of the canal by the toxins in the Public Place uplands will actually cause those toxins to be diverted towards the current residents homes. The "uplands" fall under the jurisdiction of New York State, not the EPA. Christos expressed his opinion, that so far, the proposed Public Place site measures seem inadequate.*

*This of course, led to a discussion and the expression of the concerns of the residents who now rightfully have diminished faith in the city and state agencies that apparently either approved or were ready to green light projects that were just not up to par---- How can we as residents now feel comfortable knowing that these same agencies are in charge of projects as significant to our health as the Public Place site?"*

from that same post....

*".....CORD has always expressed our belief that a comprehensive cleanup is the only way to go. A clean up that costs half a billion dollars and only solves one portion of the problem does not make sense. This is an historic opportunity to do something extraordinary--Our community must stand together and demand that this cleanup be the best there is--not one that is just good enough.*

*Listening to the EPA Project Manager, we hear a voice that cares very deeply about giving us the best. But, we also hear that the EPA cannot do it alone--that we need to remain engaged and active. We must not ever settle.*

*We must insist that our health and the health of our environment remain the number one priority. How fast this can be done may be a concern to some--how expensive and difficult a reality.....but how thorough and how effective a healthy, permanent result is achieved is important to everyone in our community--with no exception---and in this case, cost is no reason to settle for less.*

*We are only learning now of the hundreds and hundreds of millions of dollars this city has spent on consultants for projects that either don't work or go nowhere---it seems to us that the EPA is perfectly capable and willing to lend its expertise to the city and state of New York in a manner that will benefit not only the residents of our community today but well into the future---They are here right now and it is just plain foolish to squander this opportunity."*

More than a decade after this was written and there are still monies, our monies, being spent to degrade and downgrade this Site's clean up, indeed the Superfund itself, rather than using those funds to do the job properly.

Just last Fall the City of New York put out multi million dollar **RFP EE GEO 20 Sustainability Superfund Support Contract for Gowanus Canal and Newtown Creek**, which included a section which was basically seeking a way to reverse the Gowanus Canal Record of Decision!

In June of this year, the New York State Legislature passed, **A-518-A/S.4095-B**, a bill that would prohibit the sale of pavement products containing coal tar and high levels of polycyclic aromatic hydrocarbons (PAHs) "providing crucial protection to human health and aquatic ecosystems". It awaits a New York State Governor's approval.

If the State Legislature recognizes the danger of coal tar use as an ingredient in our street pavements, what does that say about the dangers of a quasi removal of coal tar contaminated soil in preparation for hundreds if not thousands of people living directly upon and in the immediate vicinity of the ever undulating ocean of coal tar that will remain beneath and possibly further spread beyond Public Place?

How can we possibly trust these people to do the right thing for our neighborhood? We firmly believe that the currently proposed NYSDEC Site plan is more than just inadequate. We believe that it poses a very clear threat to our health.

So, CORD respectfully requests that in accordance with Section 105(d) of the Comprehensive Environmental Response Compensation and Liability Act, the undersigned petition for USEPA Region 2 to undertake a revised assessment of chemical contaminants present at and potentially being released from the former Citizens Manufacturing Gas Plant (MGP) site (the Site) for a Hazard Ranking Score and potential inclusion on the National Priorities List (NPL) as a Federal Superfund site. The Site is located in Brooklyn, New York, bounded by Fourth, Hoyt, Fifth, Smith and Huntington Streets and the Gowanus Canal.

We hope you will seriously consider our request. Thank you.

Sincerely,

Lucy DeCarlo  
Rita Miller  
Triada Samaras  
CORD Co-Founders

